

**SUPPLEMENTARY INFORMATION:** This is a summary of the Federal-State Joint Board's *Recommended Decision and Order* CC Docket No. 80-286, FCC90J-1, adopted November 15, 1990, and released December 17, 1990.

The full text of Joint Board recommended decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington DC. The complete text of this recommended decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

#### Summary of Recommended Decision and Order

Section 36.621 of the Commission's Rules prescribes the procedures that the National Exchange Carrier Association (NECA) uses to calculate unseparated loop costs, in individual study areas of local exchange carriers, for the purpose of determining the level of the Universal Service Fund. To ensure that loop-related overhead costs and taxes are properly included in this calculation, the rules require NECA to include a portion of unseparated Corporate Operations Expenses and Operating Taxes. The rules specify that NECA is to allocate these overhead costs and taxes between loop and nonloop operations based on the loop/nonloop apportionment of net investment.

Since March 4, 1988, however, NECA had based this allocation, under waiver, on gross investment rather than net investment. To determine whether this change should be made permanent, the Commission released a Notice of Proposed Rulemaking on November 22, 1988, 53 FR 49575, December 8, 1988, proposing to amend these rules, inviting comment and referring the matter to the Docket 80-286 Joint Board for a recommendation. Specifically, the Commission proposed a bifurcated approach under which the allocation of Corporate Operations Expenses would be based on gross investment but that of Operating Taxes would be based on net investment.

On November 15, 1990, the Joint Board adopted recommendations regarding these allocation procedures. It recommended that this Commission amend the rules to prescribe the use of gross investment as the basis of allocation for both Corporate Operations Expenses and Operating Taxes, as NECA had been doing under waiver. The Joint Board noted that all but one commenting party favored this approach. The Joint Board determined

that the allocation of Corporate Operations Expenses better reflects cost causation when based on gross investment rather than net investment. It also determined that the substitution of net investment for gross investment as the basis of allocation for taxes would have only a minimal effect on the overall amount of USF support. It therefore concluded that any marginal improvement in precision that might result from using the bifurcated approach proposed by the Commission would be too small to warrant the added complexity of such an approach.

#### Ordering Clause

25. Accordingly, this Joint Board *recommends*, That the Federal Communications Commission adopt the proposal presented herein and the suggested revisions of part 36 of the Commission's rules contained below. This recommendation is adopted pursuant to sections 4 (i) and (j), 201-205, 221(c) and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), 201-205, 221(c) and 410.

#### List of Subjects in 47 CFR Part 36

Communications common carriers, Jurisdictional separation procedures, Telephone, Uniform system of accounts.

#### Rule Changes

Part 26 of title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 36 continues to read:

Authority: 47 U.S.C. 151, 154 (i) and (j), 205, 221(c), 403 and 410.

2. The title of subpart F is recommended to be revised to read as follows:

#### Subpart F—Universal Service Fund

3. Section 36.601 is amended by revising paragraph (a) to read as follows:

##### § 36.601 General.

(a) The Universal Service Fund is derived from an expense adjustment that shall be computed in accordance with this subpart F. This adjustment shall be added to interstate expenses and deducted from state expenses after expenses and taxes have been apportioned pursuant to subpart D.

4. Section 36.621 is amended by revising the section heading and paragraphs (a) introductory text and (a)(4) to read as follows:

##### § 36.621 Study area total unseparated loop cost.

(a) For the purpose of calculating the expense adjustment, the study area total unseparated loop cost equals the sum of the following:

\* \* \* \* \*

(4) Corporate Operations Expenses, Operating Taxes and the benefits and rent portions of operating expenses, as reported in § 36.611(a)(5) attributable to investment in C&WF Category 1.3 and COE Category 4.13. To calculate the amount of these expenses and taxes that is attributable to exchange operations, multiply the total amount of such costs by the ratio of the unseparated gross exchange plant investment in C&WF Category 1.3 and COE Category 4.13, as reported in § 36.611(a)(1), to the unseparated gross telecommunications plant investment, as reported in § 36.6119(a)(6).

5. The section heading § 36.622 is revised to read as follows:

##### § 36.622 National and study area average unseparated loop costs.

\* \* \* \* \*

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-30611 Filed 12-31-90; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 97

[PR Docket No. 90-55; FCC 90-414]

#### Establishment of a Codeless Class of Amateur Operator License

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Amateur Service Rules to create a codeless class of amateur radio operator license. The rules are necessary in order to offer an entry level amateur service operator license to otherwise qualified individuals who find the telegraphy requirement a barrier to pursuing the purpose of the amateur service. The effect of the rule amendments is to make the amateur service more accessible to such individuals.

**EFFECTIVE DATE:** February 14, 1991.

**FOR FURTHER INFORMATION CONTACT:** William T. Cross, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, adopted December 13, 1990,



and released December 27, 1990. The complete text of this Commission action, including the rule amendments, is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street NW., Washington, DC. The complete text of this Report and Order, including the rule amendments, may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### Summary of Report and Order

1. The Amateur Service Rules have been amended to delete the telegraphy examination element that an individual currently must pass in order to qualify for a Technician Class amateur operator license. The revised examination elements do not include a telegraphy element, thereby allowing individuals who do not know the international Morse code to qualify for this class of amateur operator license. The Commission did not revise the number of questions that an individual must pass to qualify for the Technician Class amateur operator license, finding instead that the existing examination elements were adequate to determine if an individual was qualified to exercise the privileges of the Technician Class operator license.

2. The Commission decided that the privileges of the revised Technician Class operator license would be all amateur privileges above 30 MHz, as allowed by international Radio Regulations No. 2735. The Commission also decided to retain the Novice Class operator license in its present form. No revisions were made to the examination requirements or privileges for any other class of amateur operator license and the Commission amended its rules to grandfather frequency privileges below 30 MHz for holders of Technician Class licenses issued before February 14, 1991.

3. The Commission noted that the passing of a telegraphy examination is not an indication of an examinee's good character, high intelligence, cooperative demeanor, or willingness to comply with its rules. Rather, the Commission found that the passing of a telegraphy examination is no more and no less than proof of an examinee's ability to send and receive texts in Morse code at some specified rate.

4. With respect to whether Technician Class licensees should be required to use a two-letter station identification suffix to distinguish Technician Class control operators who have passed a

telegraphy examination from Technician Class control operators who have not passed a telegraphy examination, the Commission found that any need to distinguish between these control operators was subordinate to the need for an efficient identification procedure. The Commission, therefore, did not adopt its proposal but did editorially revise its rules to clarify the station identification procedure.

5. The amended rules are set forth at the end of this document.

6. The action taken herein has been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520, and found not to impose a new or modified information collection requirement on the public.

7. The amended rules are issued under the authority of 47 U.S.C. 154(i) and 303 (c) and (r).

#### List of Subjects in 47 CFR Part 97

Amateur Radio, Licensing requirements, Operator licenses, Volunteers.

Donna R. Searcy,  
Secretary.

#### Amended Rules

Part 97 of chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 97 continues to read as follows:

**Authority:** 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. Section 97.119(e) is revised to read as follows:

#### § 97.119 Station Identification.

(e) When the control operator is a person who is exercising the rights and privileges authorized by § 97.9(b) of this part, an indicator must be included after the call sign as follows:

(1) For a control operator who has requested a license modification from Novice Class to Technical Class: KT;

(2) For a control operator who has requested a license modification from Novice or Technical Class to General Class: AG;

(3) For a control operator who has requested a license modification from Novice, Technician, or General Class operator to Advanced Class: AA; or

(4) For a control operator who has requested a license modification from Novice, Technician, General, or Advanced Class operator to Amateur Extra Class: AE.

3. Section 97.301(e) is amended by revising the introductory text preceding the table to read as follows:

#### § 97.301 Authorized frequency bands.

(e) For a station having a control operator holding a Novice Class operator license, or a Technician Class operator license plus a CSCE indicating that the person passed element 1(A), 1(B), or 1(C), or a Technician Class operator license issued before February 14, 1991:

4. Section 97-501 is amended by revising the introductory text and paragraph (d) to read as follows:

#### § 97.501 Qualifying for an amateur operator license.

An applicant must pass an examination for the issuance of a new amateur operator license and for each change in operator class. Each applicant for the class of operator license specified below must pass, or otherwise receive examination credit for, the following examination elements:

(d) Technician Class operator: Elements 2 and 3(A).

[FR Doc. 90-30613 Filed 12-31-90; 8:45 am]  
BILLING CODE 6712-01-M

#### 47 CFR Part 97

[PR Docket No. 90-356; FCC 90-413]

#### Amendment of the Amateur Radio Service Rules to Make the Service More Accessible to Persons With Handicaps

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Amateur Service Rules to exempt severely handicapped individuals from the higher speed telegraphy examinations. The rules are necessary in order to accommodate severely handicapped individuals who are incapable of passing such examinations. The effect of the rule amendments is to make the amateur service more accessible to such individuals. This Report and Order also affirms the action taken by the Commission's Private Radio Bureau denying The American Radio Relay League's request for an extension of time within which to file comments in the proceeding.

**EFFECTIVE DATE:** February 14, 1991.



**FOR FURTHER INFORMATION CONTACT:**

Maurice J. DePont, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, adopted December 13, 1990, and released December 27, 1990. The complete text of this Commission action, including the rule amendments, is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street NW., Washington, DC. The complete text of this Report and Order, including the rule amendments, may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

**Summary of Report and Order**

1. The Amateur Service Rules have been amended to exempt from the higher speed telegraphy examinations persons who, because of severe handicaps, are incapable of passing those examinations. The administering volunteer examiners (VEs) must give credit for the higher speeds to any examinee who holds an amateur operator license indicating that the person has already passed a telegraphy examination of 5 or 13 words per minute (wpm). In addition, the examinee must submit a licensee application (Form 610) containing a physician's certification stating that because the examinee is an individual with a severe handicap, the examinee is unable to pass a 13 or 20 wpm telegraphy examination. The examinee must also submit a release permitting disclosure to the Commission of medical information pertaining to the handicap.

2. The Commission did not specify a list of disabilities. The Commission said that it would rely on the judgment and integrity of the physician to establish that the person is severely handicapped and incapable of passing the telegraphy examination. The Commission also said that the term "physician" would be limited to practitioners with full medical privileges, that is, doctors of osteopathy or doctors of medicine.

3. The Commission noted that the VEs use special accommodative procedures to administer telegraphy examinations to handicapped persons. It also noted that the international Radio Regulations are silent concerning sending speed and accommodative procedures for handicapped persons. The Commission said that the special accommodative procedures will usually show that the

examinees know the Morse code, even though at a slower speed. Where warranted, the VEs will substitute a sending test for a receiving test. Although an examinee's sending ability usually exceeds the receiving ability, passing a sending test is proof that the examinee knows the Morse code.

4. With respect to whether VEs should administer examinations that they had not passed, the Commission said that a VE who cannot receive the Morse code at 20 wpm is not competent to administer a 20 wpm sending test because the VE cannot receive the message sent by the examinee. That VE, however, might be competent to administer a 20 wpm receiving test where the message is sent by a tape player and the content of the message is known by the VE. Any VE who is not competent to perform the VE functions required for any particular examination should not administer that examination.

5. The Commission affirmed the Private Radio Bureau's denial of The American Radio Relay League's request for an extension of time to file comments in the proceeding. In so doing, the Commission said that ample time had been allowed for respondents to file comments, and that more than one hundred had done so, including volunteer examiner coordinators (VECs) and VEs.

6. The amended rules are set forth at the end of this document.

7. The action taken herein has been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501-3520, and found to impose a new or modified information collection requirement on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

8. The amended rules are issued under the authority of 47 U.S.C. 154(i) and 303(1) (l) and (r).

**9. List of Subjects in 47 CFR Part 97**

Amateur radio, Examination, Handicapped applicants, Volunteers.

Federal Communications Commission.

Donna R. Searcy,  
Secretary.

**Amended Rules**

Part 97 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat.

1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. Section 97.3 is amended by redesignating paragraphs (a)(29) through (a)(40) as (a)(30) through (a)(41) and adding a new paragraph (a)(29) to read as follows:

**§ 97.3 Definitions.**

(a) \* \* \*

(29) *Physician.* For the purpose of this part, a person who is licensed to practice in a place where the amateur service is regulated by the FCC, as either a Doctor of Medicine (M.D.) or a Doctor of Osteopathy (D.O.)

\* \* \* \* \*

3. Section 97.505 is amended by adding paragraph (a)(5) to read as follows:

**§ 97.505 Element credit.**

(a) \* \* \*

(5) A current, or expired but within the grace period for renewal, Novice, Technician plus a CSCE indicating that the person passed element 1(A) or 1(B), Technician issued before February 14, 1991, General, or Advanced Class operator license, and a Form 610 containing:

(i) A physician's certification stating that because the person is an individual with a severe handicap, the person is unable to pass a 13 or 20 words per minute telegraphy examination; and

(ii) A release signed by the person permitting disclosure to the FCC of medical information pertaining to the person's handicap: Element 1(C).

\* \* \* \* \*

4. Section 97.511 is amended by revising paragraph (f) to read as follows:

**§ 97.511 Technician, General, Advanced and Amateur Extra Class operator license examination.**

\* \* \* \* \*

(f) Within 10 days of the administration of a successful examination for the Technician, General, Advanced or Amateur Extra Class operator license, the administering VEs must submit the application to the coordinating VEC. If telegraphy element credit is claimed under § 97.505(a)(5), the physician's certification and the patient's release on the license application, Form 610, must be completed.

[FR Doc. 90-30612 Filed 12-31-90; 8:45 am]

BILLING CODE 6712-01-M



## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 675

[Docket No. 91046-0006]

## Groundfish of the Bering Sea and Aleutian Islands Area

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of closure rescission, notice of apportionment of reserves; request for comments.

**SUMMARY:** NOAA announces that the remaining total allowable catch (TAC) for pollock in the Aleutian Islands subarea (AI) is more than sufficient to provide for bycatch in other fisheries and is allowing further directed fishing for pollock by U.S. vessels in domestic annual processing (DAP) operations in that subarea. NOAA further announces that the remainder of the reserve is needed for DAP pollock in the Bering Sea subarea. These actions are necessary to promote optimum use of groundfish in the Bering Sea and Aleutian Islands (BSAI) and to conduct orderly management of resources. They are intended to carry out the management objectives contained in the

Fishery Management Plan for Bering Sea/Aleutian Islands Groundfish (FMP).

**DATES:** This notice is effective from noon, Alaska local time (A.l.t.), December 27, 1990, until midnight, A.l.t., December 31, 1990. Comments are invited for 15 days following the effective date of this notice.

**ADDRESSES:** Comments should be mailed to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, or be delivered to the Federal Building Annex, Suite 6, 9109 Mendenhall Mall Road, Juneau, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Jessica A. Gharrett, Resource Management Specialist, NMFS, 907-586-7229.

**SUPPLEMENTARY INFORMATION:** The FMP governs the groundfish fishery in the exclusive economic zone within the BSAI under the Magnuson Fishery Conservation and Management Act. The FMP was developed by the North Pacific Fishery Management Council and was implemented by regulations appearing at 50 CFR 611.93 and part 675.

**Rescission of closure**

The initial 1990 TAC specification for AI pollock was determined under 50 CFR 675.20(a)(2) and set at 85,000 metric tons (mt), all of which was apportioned to domestic annual processing (DAP) (55 FR 1434, January 16, 1990). Under

§ 675.20(a)(8), this fishery was closed to directed fishing on November 14, 1990 (55 FR 48109, November 19, 1990). Declining catch-per-unit-effort in the days immediately preceding the closure resulted in a remainder of pollock TAC in the AI that exceeds the amount necessary to support remaining groundfish fisheries in that subarea as incidental catch. The Secretary of Commerce is rescinding the previously issued notice of closure and allowing directed fishing for pollock in the AI by vessels in DAP operations.

**Apportionment of reserve**

The current domestic annual harvest (DAH) for pollock in the Bering Sea subarea is 1,310,751 mt; however, during the fishing year, amounts in excess of the DAH have been harvested. Therefore, under § 675.20(b)(1)(i), all remaining reserve, 8,288 mt, is apportioned to the TAC for pollock in the Bering Sea subarea and results in a new TAC for pollock in the Bering Sea subarea of 1,319,039 mt. This increase is allocated to DAP and results in a new DAP of 1,296,288 mt (Table 1). This apportionment does not result in allowable retention of pollock in the Bering Sea subarea and does not result in overfishing pollock stocks in the Bering Sea subarea because the revised TAC is less than the acceptable biological catch (ABC) amount.

TABLE 1.—BERING SEA/ALEUTIAN ISLANDS APPORTIONMENT OF TAC

[Values are in metric tons]

		Current	This action	Revised
Pollock (BS):				
TAC = 1,319,039	DAP	1,288,000	+ 8,288	1,296,288
ABC = 1,450,000	JVP	22,751	0	22,751
Total (TAC = 2,000,000)	DAP	1,733,720	+ 8,288	1,742,008
	JVP	257,992	0	257,992
	Reserve	8,288	- 8,288	0

**Classification**

This action is taken under § 675.20(a)(8) and (b)(1)(i) and is in compliance with Executive Order 12291.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment or to delay the effective date of this notice. Immediate

effectiveness of this notice is necessary to benefit U.S. fishermen who wish to participate in DAP pollock operations in the AI who would otherwise be prohibited from fishing due to a premature fishery closure. However, interested persons are invited to submit comments in writing to the address above for 15 days after the effective date of this notice.

**List of Subjects in 50 CFR Part 675**

Fish, Fisheries, Recordkeeping and reporting requirements.

**Authority:** 16 U.S.C. 1801, *et seq.*

**Dated:** December 26, 1990.

**Richard H. Schaefer,**

*Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 90-30563 Filed 12-26-90; 5:10 pm]

**BILLING CODE 3510-22-M**



# Proposed Rules

Federal Register

Vol. 56, No. 1

Wednesday, January 2, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 932

[Docket No. FV-91-230]

#### Proposed Expenses and Assessment Rate for Marketing Order Covering Olives Grown in California

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order 932 for the 1991 fiscal year (January through December) established for that order. The proposal is needed for the California Olive Committee (committee) to incur operating expenses during the 1991 fiscal year and to collect funds during that year to pay those expenses. This would facilitate program operations. Funds to administer this program are derived from assessments on handlers.

**DATES:** Comments must be received by January 14, 1991.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the *Federal Register* and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Patrick Packnett, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2530-S, Washington, DC 20090-6456, telephone (202) 475-3862.

**SUPPLEMENTARY INFORMATION:** This proposed rule is issued under Marketing Order No. 932 (17 CFR part 932) regulating the handling of olives grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This proposed rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such action in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately six handlers of California olives regulated under this marketing order each season and approximately 1,350 olive producers in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. Most, but not all, of the olive producers and none of the olive handlers may be classified as small entities.

The California olive marketing order, administered by the Department requires that the assessment rate for a particular fiscal year shall apply to all assessable olives received by regulated handlers from the beginning of such year. An annual budget of expenses is prepared by the committee and submitted to the Department for approval. The members of the committee are olive producers and handlers. They are familiar with the committee's needs and with the costs for

goods, services and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing anticipated expenses by expected olive receipts (in tons). Because that rate is applied to actual receipts, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses.

The committee met on December 4, 1990, and unanimously recommended 1991 fiscal year expenditures of \$2,115,975 and an assessment rate of \$20.23 per ton of assessable olives received by handlers under M.O. 932. In comparison, 1990 fiscal year budgeted expenditures were \$2,073,440 and the assessment rate was \$20.68 per ton.

Major expenditure items budgeted for the 1991 fiscal year compared with those budgeted in 1990 (in parentheses) are \$354,975 (\$337,540) for program administration, \$126,000 (\$94,500) for production research, \$830,000 (\$790,000) for consumer advertising, \$632,000 (\$667,000) for food service advertising, and \$173,000 (\$170,250) for public relations. The \$42,535 increase in budgeted expenditures from 1990 is mainly attributed to increases in production research and increased administrative costs.

Estimated assessment income of \$2,116,058 for the 1991 fiscal period based on handler receipts of 104,600 tons of assessable olives during the 1990-91 crop year (August-July) will be utilized to cover the proposed expenses. Last year's assessment income was approximately \$2,068,000 based on receipts of 100,000 assessable tons. The committee's reserve is well within the maximum amount authorized under the order.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed onto producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action would not



have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is inappropriate because the budget and assessment rate approvals for the olive program need to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

#### List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 932 be amended as follows:

#### PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

**Authority:** Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. New § 932.225 is added to read as follows:

#### § 932.225 Expenses and assessment rate.

Expenses of \$2,115,975 by the California Olive Committee are authorized, and an assessment rate of \$20.23 per ton of assessable olives is established, for the fiscal year ending on December 31, 1991. Unexpended funds from the 1990 fiscal year may be carried over as a reserve.

Dated: December 26, 1990.

**Robert C. Keeney,**  
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-30557 Filed 12-31-90; 8:45 am]

BILLING CODE 3410-02-M

#### Rural Electrification Administration

##### 7 CFR Part 1700

#### Public Information and Public Comments to Proposed Rules

**AGENCY:** Rural Electrification Administration, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Rural Electrification Administration (REA) proposes to amend 7 CFR part 1700 by revising § 1700.30 to update policies on public information and collection of public comments to proposed rules. This rule is intended to (1) assist that Agency in its efforts to modernize and streamline Agency policies and procedures for the purpose of facilitating an efficient

system for information that directly affects REA borrowers and others and (2) to assist the Agency in responding to comments received from the public on proposed rules published in the **Federal Register**. The new regulation will benefit both the public and the Agency. Pursuant to 7 CFR part 1610 the provisions of this regulation also apply to the Rural Telephone Bank (RTB).

**DATES:** Written comments must be received by REA or bear a postmark or equivalent no later than March 4, 1991.

**ADDRESSES:** Submit written comments to Mr. Curtis L. Bryant, Director, Administrative Services Division, Rural Electrification Administration, room 0165, South Building, U.S. Department of Agriculture, Washington, DC 20250. REA requests an original and three copies of all comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curtis L. Bryant, Director, Administrative Services Division, Rural Electrification Administration, room 0165, South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone number (202) 382-8940.

**SUPPLEMENTARY INFORMATION:** This regulation will be issued in conformance with Executive Order 12291, Federal Regulation. It will not (1) have an annual effect on the economy of \$100 million or more; or (2) result in a major increase in costs or prices for consumers, individuals, industries, Federal, state, or local government agencies or geographic regions; or (3) result in significant adverse effects on competition, employment, or productivity. Therefore, this rule has been determined to be non-major.

This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that the promulgation of this proposed rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.* (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment. This program is listed in the statement or an environmental assessment. This program is listed in the Catalog of Federal Domestic Assistance under No. 10.850, Rural Electrification Loans and Loan Guarantees; 10.851, Rural Telephone Loans and Loan Guarantees; 10.852, Rural Telephone Bank Loans; and 10.853, Rural Economic Development Loans and Grants.

For the reasons set forth in the final rule related notice to 7 CFR part 3015, subpart V (50 FR 47034), this program is excluded from the scope of Executive

Order 12373 regarding intergovernmental consultation with State and local officials.

According to the Regulations of the Office of Management and Budget (OMB), 5 CFR 1320.7(j)(4), "Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register**" are not generally considered information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Therefore, this rule contains no reporting or recordkeeping provisions requiring OMB approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### Background

Pursuant to the Rural Electrification Act of 1936 (49 Stat. 1363; 7 U.S.C. 901 *et seq.*) (the RE Act), as amended, the Rural Electrification Administration (REA) issues from time to time notices and regulations in the **Federal Register** as well as bulletins, informational publications, and instructions to staff in order to (1) implement the provisions of the RE Act and the loan and security instruments; (2) establish Agency procedures; and (3) assist electric and telephone borrowers in the operation, design, and maintenance of their systems. Historically many Agency policies and procedures have been contained in bulletins and manuals.

Several years ago, REA began the process of codifying material that was found in REA Bulletins, thereby choosing the Code of Federal Regulations (CFR) and the Daily Federal Register (FR) as its primary vehicle for the issuance of policies and procedures now and in the future. Because the CFR is becoming the primary document on which the public and borrowers will rely, the original concept of Bulletins and other Agency publications is changing. Bulletins directed to borrowers in the future will not contain the types of policy issues they had previously. Additionally, the codification in the CFR of material now found in Bulletins will allow the Agency to rescind many Bulletins as obsolete or duplicative. This will eventually mean fewer Bulletins directed to borrowers.

The Agency now has a policy of distributing final Bulletins to borrowers and others interested in the program. Over the years it has become difficult to maintain lists of, or to identify, non REA borrowers who may or may not have some interest. With the changing nature of Bulletins and choosing the CFR as the vehicle to communicate policy to the public, it is no longer necessary to maintain mailing lists of non REA



borrowers for this purpose. With its wider availability, the **Federal Register** allows better public access to Agency information in a more timely manner.

REA will continue to make available indexes of Agency publications in conformance with the Freedom of Information Act, 5 U.S.C. 552(a)(2). The Agency proposes to make single copies of individual bulletins and informational publications available to borrowers and other members of the public either directly from REA, or from another source to be established by REA. Every effort will continue to be made to keep costs to both the government and the public as low as possible. The Agency does not plan to charge REA borrowers for bulletins directed to them. Information about availability and cost of any REA publication may be obtained from the Publications and Directives Management Branch, Administrative Services Division, Rural Electrification Administration, room 0180, South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone number (202) 382-9551. REA publications are not copyright protected, and they may be reproduced.

To assist REA in responding to information requests submitted in response to proposed rules and to make copies of these comments available to the public in a convenient and timely fashion, while minimizing costs to the government, REA is proposing to require a signed original and three copies of all comments. Charges to persons wishing to receive copies of comments to proposed rules will be established in conformance with 7 CFR part 1, appendix A.

#### List of Subjects in 7 CFR Part 170

Loan programs—energy; Loan programs—communications; Publications—distribution.

For the reasons stated above, REA proposes to amend 7 CFR part 1700 as follows:

1. The authority citation for part 1700 continues to read as follows:

**Authority:** 7 U.S.C. 901-950(b); title I, subtitle D, section 1403, Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small Community and Rural Development, 7 CFR 2.72; 7 U.S.C. 1921 et seq., and 44 FR 30313, May 25, 1979; 5 U.S.C. 301, 552; 7 CFR 1.1-1.16.

2. Section 1700.30 is revised to read as follows:

#### § 1700.30 Availability of agency publications and other information, and collection of public comments to proposed rules.

(a) 5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying.

(b) The Rural Electrification Administration (REA) issues from time to time notices and regulations in the **Federal Register** as well as bulletins, informational publications, and staff instructions in order to:

(1) Implement the provisions of the RE Act and the loan and security instruments;

(2) Establish Agency procedures; and;

(3) Assist electric and telephone borrowers in the design, operation, and maintenance of their systems.

(c) Information about availability and costs of Agency publications and other Agency materials is available from Publications and Directives Management Branch, Administrative Services Division, Rural Electrification Administration, room 0180, South Building, U.S. Department of Agriculture, Washington, DC 20250-1500.

(d) REA will provide for the distribution of indexes of publications in conformance with the Freedom of Information Act, 5 U.S.C. 552(a)(2). Single copies of individual bulletins, informational publications, staff instructions, and forms, including forms of basic loan and security instruments, are available to borrowers and other members of the public either directly from REA, from the Superintendent of Documents, U.S. Government Printing Office, or from another source to be established by REA. Costs for these publications are established in conformance with 7 CFR part 1. Bulletins directed to REA borrowers are provided at no cost to those borrowers.

(e) REA requires that all persons submitting comments to a proposed rule published by the Agency submit a signed original and three copies of their comments to the address shown in the preamble to the proposed rule. Copies of comments submitted are available to the public in conformance with 7 CFR part 1.

Dated: December 7, 1990.

Gary C. Byrne,  
Administrator.

[FR Doc. 90-30560 Filed 12-31-90; 8:45 am]

BILLING CODE 3410-15-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 90-NM-267-AD]

#### Airworthiness Directives; Gulfstream Aerospace Corporation Model G-1159 (G-II) Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Gulfstream Model G-1159 (G-II) series airplanes, which currently requires an inspection to detect cracks or corrosion in the wing structure in the area of Fuselage Station (FS) 452 inboard clothespin attachment fitting, and repair, if necessary. This action would require repetitive inspections to detect corrosion or cracks in the forward and aft wing attach fittings at FS 345 and 452, respectively, and adjacent wing beam and wing plank areas, and repair, if necessary; and the application of corrosion protection treatment. This proposal is prompted by a review of the inspection reports submitted in response to the existing AD. This condition, if not corrected, could result in significantly reduced structural integrity of the wing/fuselage attachment joint, and the inability to carry flight or ground loads.

**DATES:** Comments must be received no later than February 14, 1991.

**ADDRESSES:** Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-267-AD, 1601 Lind Avenue, SW., Renton, Washington 98055. The applicable service information may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D-10, Savannah, Georgia 31402-9980. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or at the FAA, Central Region, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta Georgia.

**FOR FURTHER INFORMATION CONTACT:** Steve Flanagan, Airframe Branch, ACE-120A; telephone (404) 991-2910. Mailing Address: FAA, Central Region, Atlanta Aircraft Certification Office 1669